

FILED

JAN 07 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TWIN PEAKS SOFTWARE INC.,

Plaintiff,

v.

IBM CORPORATION,

Defendant.

Case No. 14-cv-03933-JST

SCHEDULING ORDER

The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

Event	Deadline
Last day for Rule 26(a)(1) initial disclosures	2/4/15
Plaintiff's asserted claims and infringement contentions and accompanying document production	2/9/15
Defendant's invalidity contentions and accompanying document production	4/6/15
Exchange of proposed terms for construction	4/29/15
Exchange of preliminary claim constructions and extrinsic evidence	6/10/15
Joint claim construction and prehearing statement	7/15/15
Claim construction discovery cut-off	8/14/15
Claim construction opening brief	9/30/15

Event	Deadline
Claim construction responsive brief	10/21/15
Claim construction reply brief	10/30/15
Tutorial	11/17/15 2:00 p.m.
Claim construction hearing	12/8/15 1:30 p.m.

Following the issuance of its claim construction order, the Court will calendar a further case management conference to establish a schedule for the remainder of the case.

Counsel may not modify these dates without leave of court. The parties shall comply with the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

The parties shall meet and confer regarding the format, scope, and content of both the tutorial and the claim construction hearing, including but not limited to the permissible subjects of discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. They also shall exchange copies of any audio-visual material at least **ten court days** before they intend to use it in court, and shall bring any disputes regarding the format, scope, or content of any tutorial or hearing to the Court's attention at least **five court days** before the tutorial or hearing. The Court will deem as waived any objection raised less than five court days before the tutorial or hearing. The parties shall lodge hard copies of their presentation materials with the Court on the day of the tutorial or claim construction hearing.

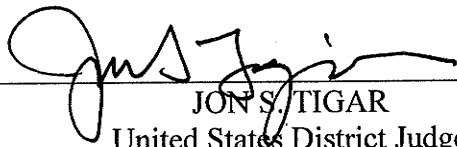
The Court will reserve no more than two hours on its calendar for the tutorial, including a brief recess. The tutorial will not be reported by a court reporter.

At claim construction, the Court will construe only the terms the parties identify in their Joint Claim Construction and Prehearing Statement as "most significant to the resolution of the case up to a maximum of 10." Patent Local Rule 4-3(c). The Court will reserve no more than two-and-one-half hours on its calendar for the claim construction hearing, including a brief recess. The Court prefers that the parties proceed term-by-term, with each party providing its views on each term before moving on to the next. The Court's use of time limits means that the parties may not have the opportunity to present oral argument on every term they have submitted for

1 construction, and the parties should prioritize their presentations accordingly.

2 The parties must take all necessary steps to conduct discovery, compel discovery, hire
3 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely
4 manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars
5 to accommodate these dates, or arrange to substitute or associate in counsel who can.

6 Dated: January ⁷~~6~~, 2015

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9 JON S. TIGAR
United States District Judge

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United States District Court
Northern District of California